

JUL 15 2005

Application Serial No.: 10/716,394  
GG Docket No.: 2C03.1-071  
CIBA Docket No.: SU/V-32766A/CVA  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: LISK et al.

Serial No.: 10/716,394

Filed: November 18, 2003

For: "METHOD FOR ADJUSTING PROTEIN  
AFFINITY OF HYDROPHILIC POLYMERS"

Group Art Unit: 3738

Examiner: GHERBI, S.

RESPONSE TO RESTRICTION REQUIREMENTMail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Via Facsimile: (571) 273-8300**

July 15, 2005

Sir:

This is in response to the Restriction Requirement mailed June 22, 2005. This Response is believed to be timely. However, if any extension of time is required, please consider this a request therefor. The Commissioner is authorized to charge any fees due or credit any overpayment to Deposit Account 50-1513.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300, Attn: Examiner S. Gherbi, on the date indicated below.

Signature

Date

July 15, 2005

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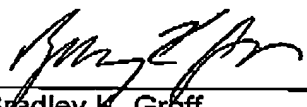
**Response to Restriction Requirement:**

Applicant elects, with traverse, to continue prosecution of Claims 1-21, 26 and 27 (Group I). Pursuant to 37 C.F.R. § 1.143, applicant requests reconsideration and withdrawal of the Restriction Requirement for reasons set forth below.

Section 803 of the Manual of Patent Examining Procedure (M.P.E.P.) sets out two criteria for proper requirement of restriction: (1) the inventions must be independent or distinct as claimed; and (2) there must be a *serious burden* on the Examiner if restriction is required. Applicant does not contest that the first criteria, namely that the inventions must be independent or distinct as claimed, is met.

Applicant respectfully submits, however, that the second criteria specified by M.P.E.P. § 803 is not met. Namely, the Examiner would not be seriously burdened by examination of the claims of Groups I, II and III together. The inventions defined by various claims within Groups I, II and III are significantly interrelated. As such, in order to properly examine the inventions defined by claims in Group I, it will likely be necessary for the Examiner to search art relevant to claims in Group II and III as well. Accordingly, there will be no significant additional burden by examination of the claims of Groups I, II and III together.

Respectfully submitted,

  
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Bradley K. Groff  
Reg. No. 39,695

GARDNER GROFF, P.C.  
100 Parkwood Point  
2018 Powers Ferry Road  
Suite 800  
Atlanta, Georgia 30339  
Tel: 770.984.2300  
Fax: 770.984.0098

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